

CONSTITUTION OF THE STUDENT GOVERNMENT ASSOCIATION OF MONTCLAIR STATE UNIVERSITY, INC.

PREAMBLE

We the undergraduate students of Montclair State University in order to establish representative government: to encourage the development of leaders and participants for the community and the State of New Jersey: to stimulate an awareness of the rights and responsibilities of student in relation to the community: to improve student cultural, social and physical welfare, and to promote general welfare of this institution do hereby ordain this Constitution.

ARTICLE I

Section 1. Name

This organization shall be known as the Student Government Association of Montclair State University, Inc.. hereafter referred to as “SGA”.

Section 2. Membership

All duly registered undergraduate students of Montclair State University who have paid the SGA Fee shall be members of the SGA, Inc., and shall be subject to the Constitution, statutes and laws of the SGA.

Student membership in any of the particular classes or schools shall be determined by the academic rules of the University.

Section 3. Purpose

The purpose of this organization shall be:

- A. To provide the means whereby the members of the student body may express themselves effectively in the programs of the University which directly affect their intellectual, social, economic, physical and spiritual welfare:
- B. To promote better citizenship by developing and promoting student responsibility and by providing practice in democratic living:
- C. To coordinate and regulate the activities of student organizations for the benefit of the entire educational community.
- D. To carry out those purposes expressed in the Certificate of Incorporation.

Section 4. Voting

All members of the SGA, Inc. shall be eligible to vote in the general and special elections of the Association. Elections will be held by secret ballot.

ARTICLE II

The Legislative Branch

Section 1. Legislative Powers

All legislative powers herein granted shall be vested in a student legislature.

Section 2. Composition of the Legislature

The Legislature shall be composed of Representatives appointed to the rules established.

Section 3. Election of Representatives

- A. The election of Representatives to the Student Legislature shall be conducted according to the Statutes. The Representatives, with the exception of the Freshman Class Representatives, shall be elected during the Spring Semester on a date determined by the Legislature at its second meeting of the Spring Semester. Freshman Class Representatives shall be appointed by the President Pro-Tempore with the advice and consent of the Legislature at the fourth meeting of the Fall Semester and in accordance with the Statutes.
- B. All candidates for election to the Legislature, with the exception of the Freshman Class Representatives, shall hold and maintain a cumulative GPA of 2.25 or higher as certified by the University Registrar.

Section 4. Duties and Powers

The Legislature in accordance with the Constitution shall:

- A. Act as final representative for the undergraduate student body;
- B. Enact, by two-thirds, bylaws of the Constitution to be known as SGA Statutes;
- C. Appropriate the moneys to organizations according to the Statutes: and upon a two-thirds majority vote, withhold and modify mandatory appropriations of the SGA, Inc. Executive Departments;
- D. Formulate and review budget policy as it applies to all organizations receiving moneys from the SGA Fee;
- E. Confirm or reject, by two-thirds vote, the appointments of the President of the SGA;
- F. Provide for the publication and compilation of the legislation in order that the members of the SGA be informed;
- G. To charter, rescind charters, and provide for the regulation of the Student organizations of the Montclair campus: and have the power to withhold approval of student activities and functions;
- H. Submit by a two-thirds vote to the undergraduate student body, as a referendum, any bill or issue which it feels the students should act upon for final decision;

- I. Have the power to remove Student Executive Department officers by proceedings initiated by a two-thirds vote of the entire Legislature at the following regular meeting;
- J. Have the power to investigate and report in any area of student life;
- K. Have the power to make rules and regulations necessary for the proper administration of elections;
- L. Have the power to make legislation necessary to promote the general welfare of the student body;
- M. Have the power to petition the President of the SGA or the President of the Legislature to call a special meeting;
- N. Choose a President Pro-Tempore by majority vote at the third meeting of the fall semester.

Section 5. Meetings

- A. The Legislature shall convene at least once each month from September 1 through June 1, on dates to be determined by the Legislature at its first meeting in September.
- B. The President of the Legislature shall call the Legislature into session for the first meeting in September not more than one week after the resumption of classes;
- C. The President of the SGA or the President of the Legislature may call the Legislature into emergency session at any time;
- D. All regular meetings of the Legislature shall be open to all members of the SGA except those meetings which by majority vote of the Representatives are declared to be executive sessions:
- E. The procedure for order in the Legislature shall be as governed by Roberts Rules of Order, Revised, unless otherwise specified in the Constitution or Statutes;
- F. All members of the Legislature shall have one vote: voting shall be based on the total votes present, unless otherwise specified by the Constitution or Statutes: the President of the Legislature is required to vote in such case of a tie and shall only vote in such case;
- G. Three unexcused absences during a semester shall result in expulsion from the Legislature for the remainder of the term in office.

Section 6. Quorum

- A. A quorum shall be two-thirds of the Representatives

Section 7. Vacancies

- A. Should a vacancy occur in an elected Executive position not otherwise dealt with in the Constitution, the Legislature shall provide for an election in the area where the vacancy occurs not more than twenty eight days

following the creation of the vacancy. Vacancies in the Legislature shall be filled in accordance with the statutes.

Section 8. Term of Office

The term of office of Representatives shall begin on June 1 of the year of their election and terminate on May 31 of the following year.

Section 9. Advisors

The Student Legislature shall have two advisors, the Administrative Advisor and the Financial Advisor. One of these Advisors must be present at all regular open meetings of the Legislature. These advisors shall be hired by the corporation for \$1.00 per year.

ARTICLE III

The Executive Branch

Section 1. The Executive Officers

- A. The executive power shall be vested in the President of the SGA. The president and three other executive officers, the Executive Vice-President, Treasurer, and Executive Secretary, shall be elected for a term of one year, beginning June 1 of the election and terminating May 31 of the following year. The officers shall be elected in the following manner.
 1. By a schedule determined by the Legislature at its second meeting of the Spring Semester.
 2. By self-nominating petitions submitted at least one week prior to the election and signed by at least three hundred members of the SGA.
 3. By having academic rank of at least sophomore with a 2.50 or higher cumulative grade point average as certified by the College Registrar to be eligible for office.
 4. By saying the following oath before entering office: "I do solemnly swear (or affirm) that I will faithfully execute the office of ___ of the Student Government Association of Montclair State University, Inc. and that I will, to the best of my ability, uphold the Constitution of the Student Government.
- B. In the event of a vacancy in the office of the President, the Executive Vice-President shall assume the office:
- C. An executive officer may be removed by a three-fourths vote of the entire Legislature. Just cause for removal shall be:
 1. Failure to maintain undergraduate status at Montclair State University.
 2. Failure to uphold and fulfill the purpose and policies of the Certificate of Incorporation, Constitution, and Statutes:

3. Malfeasance, misfeasance or nonfeasance in the functioning of the SGA.

Section 2. The President

The President of the SGA shall:

- A. Appoint members of the Cabinet, except ex-officio members, subject to a two-thirds vote of the Legislature: and remove, discretion, any officer appointed;
- B. Preside over all meetings of the Cabinet, exercise all powers pertaining to the calling of meetings and the conduct of business in accordance with this constitution, and coordinate the performance of the duties by the Cabinet members;
- C. Submit by March to the Legislature for approval an estimate of the budget for the following year;
- D. Take care that the laws are faithfully executed;
- E. From time to time inform and recommend to the Legislature matters concerning student welfare;
- F. Have the power to sign or veto acts or any acts or any part thereof, of the Legislature and amendments to this Constitution proposed by that body, provided that such power is exercised no later than on the fourteenth day of passage. The first day of passage is considered to be that day it was passed by the Legislature. A bill shall become law if:
 1. The President approves and signs it within the period allowed for consideration; or
 2. The President does not return it to the Legislature, with a statement of objections, before the expiration of the period allowed for consideration; or
 3. Upon reconsideration of the bill objected to by the President, two-thirds of the Legislature agrees to pass the bill, or three-quarters of the legislation originally approved by a two-thirds majority. The President's objections shall be entered into the minutes of the proceedings at the next regular meeting of the Legislature; or
 4. The President signs legislation which has been amended and re-enacted by the Legislature after the President's objections within six days after being re-forwarded by the President of the Legislature. No bill shall be returned by the President a second time.
- G. Act as the official host, representative and signator of the SGA;

H. Appoint ad-hoc committees with the advice and consent of the Legislature.

Section 3. The Executive Vice-President

The executive Vice President of the SGA shall:

- A. Be the President over the Legislature and preside over the meetings of the Legislature;
- B. Succeed to the presidency should that office become vacant and at such time have the power to nominate a successor subject to the approval of two-thirds of the entire Legislature;
- C. Forward all acts of the Legislature to the President within three days of their passage;
- D. Be in charge of charters and applications for all organizations;
- E. Be in charge of the education of the organizations in matters of the SGA
- F. Be a member of the President's cabinet;
- G. Appoint ad-hoc committees with the advice and consent of the Legislature.

Section 4. The Treasurer

The Treasurer of the SGA shall:

- A. Disburse all moneys appropriated by the Legislature;
- B. Assist the President and be assisted by the Financial Advisor in preparing the budget and compiling the account of expenditures for the Legislature; and report monthly to the Legislature at a regular meeting;
- C. Review and formulate financial policies subject to the approval of the Legislature;
- D. Recommend to the President the appointment of such assistant treasurers as are necessary to execute the office of Treasury;
- E. Be a member of the President's cabinet.

Section 5. The Secretary

The Secretary of the SGA shall:

- A. Maintain all records and files of the SGA and shall arrange for permanent preservation of its archives;
- B. Recommend to the President of the SGA the appointment of the Clerk of the Legislature who shall keep full and true minutes of the proceedings of the Legislature and perform other such duties as the Legislature and the Secretary may direct and of such undersecretaries as are necessary to execute the Office of the Secretary.
- C. Be responsible for the correspondence and office operations of the SGA;
- D. Utilize every possible source to promote and publicize the activities of the SGA among the students of Montclair State University.

E. Be a member of the President's cabinet.

Section 8. The Attorney General

An attorney General shall be the legal advisor of the President of the SGA, Inc. shall hand down advisory opinions on the laws to any member of the SGA, Inc. who shall request same and shall be in charge of the SGA elections. The Attorney General shall be the past President of the SGA, Inc. In the event that the past President cannot hold Position, it shall be filled by appointment of the outgoing President with the advice and consent of the outgoing Legislature.

Section 9. The President's Cabinet

There shall be a Cabinet to assist and advise the President, the membership of which shall be determined by the Statues. The Cabinet members, with the exception of those ex-officio members, shall be appointed by a majority vote of the Legislature. Cabinet posts not established in this Constitution shall be created in accordance with the Statutes. Cabinet members may not be Representatives and must have a 2.25 or higher cumulative grade point average as certified by the College Registrar.

ARTICLE IV JUDICIAL BRANCH

Section 1.

The judicial power of the SGA shall be vested in one Supreme Court, to consist of at least 2 and no more than 7 Justices, and in such inferior courts as the Legislature may from time to time ordain and establish.

Section 2. "Eligibility:

A. To petition for this office, one must

1. Be included within Article 1, section 2 of the SGA Constitution, and
2. Have completed a minimum of 9 credits at Montclair State University, and
3. Have a minimum cumulative GPA of 2.7

B. During time of service, a Justice cannot be an:

1. SGA Legislator, or
2. SGA Executive board member, or
3. SGA Executive cabinet member, or
4. Executive board member of any elected SGA chartered organization, or their subsidiary organizations.

C. A Justice must maintain;

1. A minimum if 2.25 GPA, and
2. A minimum of 9 credits per semester at Montclair State University

D. A justice is subject to removal in cases of gross misconduct.

Section 3. "Elections and Appointments"

- A. To obtain the office of Justice, one must petition the undergraduate student body, and submit a minimum of 300 nominating signatures at least 1 week prior to the elections. No write-in candidates shall be accepted.
- B. The candidates receiving the highest number of votes will fill available positions. In case of a tie, the legislature shall vote at the following SGA meeting to break the tie with a two-thirds vote.
 - a. The terms of a Justice shall begin on the first day following the commencement of the semester in which they were elected, and their term shall be Unlimited.
- C. Justices shall be initiated by taking the following oath: "I do hereby swear to uphold the SGA Constitution, statutes, and by-laws: and further pledge that this oath superseded all other oaths and affiliations."
 - 1. If the number of Justices should fall below 4, then the SGA President must, within 14 calendar days, appoint person(s) necessary to bring the number of Justices back to 4. These appointments are subject to approval by two-thirds of the Legislature.
 - 2. The appointed replacements shall serve until the last day of the semester they were appointed in.
 - 3. Elections for the position of Justice shall be called near the end of any semester when it is known that all 7 positions will not be filled for the following semester.

Section 4. "Powers"

The court shall:

- A. Have the power of Judicial review over all SGA statutes and constitution and by-laws of all SGA Chartered organizations and their subsidiary organizations, and
 - 1. Have the power to review the legality of all actions taken within the jurisdiction of the SGA, and
 - 2. In reference to 4B1, Appellate Review can only be called by the Defendant
- B. Have the power to issue injunctions and subpoenas to all members of the SGA in matters within their jurisdiction, and
- C. Have the power to issue penalties when appropriate.

ARTICLE V

OFFICER COMPENSATION

Officials of this Association and its subsidiary organizations shall not receive as a reward for performed duties, financial or material remuneration other than those expenses incurred in the performance of said duties.

ARTICLE VI
INITIATIVE, REFERENDUM & RECALL

Section 1. Initiative

The Student Body shall have the power to initiate by petition any act within the power of the Legislature. Such a petition must be signed by five hundred qualified students and submitted to the President of the SGA. The President of the SGA, upon determining law is in good order, shall introduce said proposal as a bill to the Legislature. If an initiative petition for a law is introduced to the Legislature a vote shall be taken within thirty days upon the enactment of such law in the form in which it stands in such petition. If the Legislature fails to act within thirty days, and if such petition is completed by filing with the President of the SGA, not earlier than one week following the thirty day period, then the President of the SGA shall submit such proposed law to the people in not less than ten nor more than twenty one days. Public notice of such election shall be given not less than seven days before it shall take place. A majority of votes cast at the election, providing that at least twenty percent (20%) of the Student Body vote, shall be sufficient to pass the bill.

Section 2. Referendum

The Legislature shall have the power to submit to the Student Body for an election nay bill or issue it feels the students should act upon for final decision. The election shall be held at times determined by the Legislature, but not exceeding ten calendar days. Public notice of such election shall be given not less than seventy days before it shall take place. A majority of votes cast at the election, providing that at least twenty percent (20%) of the Student Body vote, shall be sufficient to pass the bill.

Section 3: Recall

Recall is the power of the student to remove an elected official. Recall of an official is initiated by submitting a petition and reasons for recall to the President of the SGA, Attorney General and the President Pro-Tempore. If the constituency is campus wide the petition muich contain the signatures of students equal in number to thirty five percent of the vote at the last general election. If the constituency is less than campus wide, the petition must contain the signatures of students equal to twenty five percent (25%) of the constituency. The President of the SGA shall, upon determining the petition to be in good order, direct the Attorney General to conduct an election to determine whether to recall the official and if appropriate, to elect a successor not less than fifteen nor more than thirty days from the date of the submission of the signatures. If the majority vote is to recall, the officer is removed and, if there is a candidate, the candidate who receives a plurality is the successor. The officer may not be a candidate. If the recall of the President of the SGA is initiated, the recall duties of that office shall be performed by the Attorney General.

ARTICLE VII
STUDENT GOVERNMENT ASSOCIATION FEE

Section 1.

The Student Government Association Fee shall be \$3.26 per credit for all SGA members to be collected per semester.

ARTICLE VIII
AMENDMENTS

Amendments to this Constitution shall be proposed by a two-thirds majority of the Legislature or by initiative of the Student Body as provided in Article V. Section 1 of the Constitution. In either procedure, the Amendment to the Constitution must obtain three-fourths sa majority of the votes cast in a campus wide election providing that at least twenty percent (20%) of the Student Body vote to become valid. An Amendment so passed shall take effect the semester following its ratification.

This Constitution shall be proposed by a two thirds vote of the Board of Trustees, existing 1963-1964. This Constitution shall take effect immediately upon ratification and the existing government shall fulfill its term and have the power by a two-thirds vote of the quorum present to create such Statutes as are necessary to execute this Constitution. The Election of officers for the 1964-65 term shall be held on April 29, 1964.

This Constitution as amended by a referendum of the Student Body December, 1969, and took effect, as amended February, 1970. This Constitution was further amended by a referendum of the Student Body May, 1977. The Fee restructuring (Article XI) did not take effect until June 1, 1978, to enable all the administrative changes to be implemented.

This Constitution was further amended by referenda of the Study Body, December, 1987 and took effect as amended January, 1988. The Fee restructuring did not take effect until June 1, 1988 to enable all the administrative changes to be implemented. The Fee change will be effective per actions by the university's Board of Trustees.

This Constitution was further amended by refernda of the Student Body, December, 1993 and took effect as amended January. 1994. No changes to the fee structure took place at this time.